

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:

Debtor.

)
)
) CASE NO.
)
) Chapter 13
)

ORDER FOR RELIEF FROM THE AUTOMATIC STAY

This matter came before the Bankruptcy Court on the Motion for Relief from the Automatic Stay (the “Motion”) filed by _____ (the “Creditor”) to exercise its state law rights with respect to certain real property (the “Real Property”) located at _____, and more fully described in the Motion [and/or certain personal property (the “Personal Property”), consisting of _____, as more fully described in the Motion]. The Court, having considered the Motion and the record in this case, finds and concludes as follows:

1. The Creditor filed the Motion on _____.
2. The Clerk of the Bankruptcy Court mailed a Notice to interested parties on _____ [mailing date] directing that any objection to the Motion be filed with the Court by _____, and that if no objection(s) was/were filed within that time period, then the Court would consider the Motion without a hearing.
3. No objection to the Motion was filed by any interested party, and the time within which the objection must be filed as set forth in the Notice has expired.
4. Cause exists for modification of the automatic stay afforded by 11 U.S.C. § 362(a) of the Bankruptcy Code.

THEREFORE, it is ORDERED that the Motion is granted, and the automatic stay afforded by § 362(a) is modified to allow the Creditor to exercise its state law rights with respect to the Real Property [and/or Personal Property]. It is

FURTHER ORDERED that if a sale of the Real Property [and/or Personal Property] is held and excess proceeds are derived, then such proceeds shall be deposited with the Trustee in this case, or with the Trustee in a converted case. It is

FURTHER ORDERED that the Creditor shall have 90 days following the entry of this order to file a deficiency claim in the Debtor's bankruptcy case. It is

FURTHER ORDERED that the Trustee is relieved from making any payments to the Creditor on this claim unless a timely deficiency claim is filed. It is

FURTHER ORDERED that no modification of this Order shall be effective unless a motion to modify is filed with the Clerk and approved by this Court. It is

FURTHER ORDERED that the 10-day stay of this order provided by Fed. R. Bankr. P. 4001(a)(3)

☐ is waived

☐ is not waived.